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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91204603
Party	Defendant Mirza Juddani
Correspondence Address	PAUL I PERLMAN HODGSON RUSS LLP 140 PEARL ST SUITE 100, THE GUARANTY BUILDING BUFFALO, NY 14202 UNITED STATES ksuzan@hodgsonruss.com
Submission	Answer and Counterclaim
Filer's Name	Kenneth D. Suzan
Filer's e-mail	ksuzan@hodgsonruss.com
Signature	/Kenneth D. Suzan/
Date	06/13/2012
Attachments	Answer in Bombardier v Juddani.PDF (66 pages)(3041308 bytes)

Registration Subject to the filing

Registration No	3673043	Registration date	08/25/2009
International Registration No.	NONE	International Registration Date	NONE
Registrant	Bombardier Recreational Products Inc. 726 St-Joseph Street Valcourt, J0E2L0 CANADA		

Goods/Services Subject to the filing

Class 039.

Requested goods and services in the class: tour guide services and travel agency services, namely, making reservations and bookings for transportation; tour guide services

UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

Bombardier Recreational Products, Inc.,

Opposer and
Counterclaim-Respondent,

Opposition No. 91204603
Serial No. 79097186

v.

MIRZA JUDDANI,

Applicant and
Counterclaim-Petitioner.

**ANSWER TO NOTICE OF OPPOSITION
WITH COUNTERCLAIM FOR PARTIAL
CANCELLATION OF REG. NO. 3,673,043**

Mirza Juddani ("Juddani"), for his Answer to Notice of Opposition with
Counterclaim for Partial Cancellation of Reg. No. 3,673,043, alleges:

With respect to the preamble to the Notice of Opposition, admits that Juddani
owns Applicant's Mark and that he has applied to register it with application Ser. No. 79097186,
admits that Juddani is a citizen of Australia and resides at the address given, denies knowledge or
information sufficient to form a belief as to allegations concerning Opposer's corporate status
and address, and denies the remaining allegations in the preamble.

1. With respect to paragraph 1, denies knowledge or information sufficient to
form a belief as to the truth or falsity of the allegations in that paragraph.

2. With respect to paragraph 2, denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in that paragraph.

3. With respect to paragraph 3, denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in that paragraph.

4. With respect to paragraph 4, denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in that paragraph.

5. With respect to paragraph 5, denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in that paragraph.

6. Upon information and belief, denies the allegation in paragraph 6.

7. With respect to paragraph 7, neither admits nor denies but refers to the documents for their content.

8. With respect to paragraph 8, neither admits nor denies but refers to the documents for their content.

9. With respect to paragraph 9, neither admits nor denies but refers to the documents for their content.

10. Admits the allegations in paragraph 10.

11. Admits the allegations in paragraph 11.

12. Admits the allegations in paragraph 12.

13. Admits the allegations in paragraph 13.

14. With respect to paragraph 14, this paragraph calls for a legal conclusion to which no response is required. Applicant states, however, that its website has been accessed by United States users.

15. With respect to paragraph 15, admits that Opposer's SKI-DOO mark was first used in commerce well prior to any actual use or constructive use of Applicant's Mark anywhere in the world, but denies, upon information and belief, that Opposer has used SKI-DOO in commerce for "tour guide services and travel agency services, namely, making reservations and bookings for transportation; tour guide services."

16. Denies the allegation in paragraph 16.

17. Denies the allegation in paragraph 17.

18. Denies the allegation in paragraph 18.

19. Denies the allegation in paragraph 19.

20. Denies the allegation in paragraph 20.


21. Denies the allegation in paragraph 21.

22. Denies the allegation in paragraph 22.

23. Denies the allegation in paragraph 23.

FIRST DEFENSE

24. Upon information and belief, SKI-DOO is not a famous mark within the meaning of 15 U.S.C. §1125(c).

25. The Applicant's  Mark ("Applicant's Mark") is not similar to Opposer's SKI-DOO mark. The marks are pronounced differently. Opposer's mark is pronounced "Skee-doo" while Applicant's mark is pronounced "Skī-doo Click Away."

26. The marks have different appearances. Applicant's mark has the letters "Skidd" and "o" in blue, the words "Click Away" in blue, and the first letter "o" is in the shape of a beach ball with alternating red and white panels.

27. The marks have a different commercial impression. "Skiddoo" means "to go away; get out," while "Ski-Doo" means a brand of snowmobile.¹ Opposer's mark has the word "ski" preceding the hyphen, giving the connotation of gliding over snow; the word "Skiddoo" has no such connotation. SKI-DOO is a coined term; SKIDDOO has a dictionary meaning, with its origins in 1900-05;² long before Opposer began using the mark SKI-DOO.

28. Applicant did not intend to create any association between his applied for mark and Opposer's SKI-DOO mark. The SKIDDOO CLICK AWAY mark suggests that by clicking on a mouse, a person can travel. There would be no reason to associate travel booking services with a brand of snowmobile.

¹ www.dictionary.com (search "skiddoo").

² Id. (search "skiddoo").

29. There are third-party registrations, not owned by Opposer, that incorporate the word SKIDOO:

- a. U.S. Reg. No. 3,760,563 for SECRET AGENT 23 SKIDOO for "Entertainment, namely, live performances by a musical band" in International Class 41. A printout from the U.S.P.T.O.'s TARR database is attached as Exhibit 1;
- b. U.S. Reg. No. 726,868 for SKIDOO for "Insecticide and insect repellent" in International Class 5. A printout from the U.S.P.T.O.'s TARR database is attached as Exhibit 2; and
- c. U.S. Reg. No. 822,549 for SKIDOO (stylized) for "Chemical preparation for removing inked prices from merchandise in the form of an applicator." A printout from the U.S.P.T.O.'s TARR database is attached as Exhibit 3.

30. U.S. Reg. 726,868 has an earlier priority date than any of Opposer's SKI-DOO registered marks.

SECOND DEFENSE

31. There is not a likelihood of confusion between Applicant's Mark and the Opposer's SKI-DOO mark.

FIRST COUNTERCLAIM FOR PARTIAL CANCELLATION OF OPPOSER'S REG. NO. 3,673,043

Counterclaim-Petitioner, Juddani, an individual and a citizen of Australia, with an address of 99 York Street, Level 9, Suite 3, Sydney, NSW 2000, Australia, will be damaged by the continued registration of SKI-DOO in International Class 39 for "tour guide services and travel agency services, namely, making reservations and bookings for transportation; tour guide

services” and hereby petitions to partially cancel Counterclaim-Respondent’s U.S. Reg. No. 3,673,043 to remove “tour guide services and travel agency services, namely, making reservations and bookings for transportation; tour guide services” from Class 39.

32. Upon information and belief, Counterclaim-Respondent (“BRP”) applied to the U.S.P.T.O. on February 3, 2005 to register SKI-DOO in a variety of International Classes. That application was assigned Ser. No. 78559953 (“BRP’s Application”). A copy of BRP’s Application is attached as Exhibit 4.

33. As originally filed, BRP’s Application sought registration on two bases: Section 44(e) of the Lanham Act [U.S. registration based on existing foreign registration] and Section 1(b) of the Lanham Act [intent to use]. Within International Class 39, BRP sought to register SKI-DOO for “Distributing, renting, and leasing snowmobiles for others; travel agency services, tour guide services” based upon an existing Canadian registration and upon an intent-to-use. BRP’s Application did not identify the Canadian registration or attach a copy of it.

34. On September 1, 2005, the U.S.P.T.O. issued an Office Action, a copy of which is attached as Exhibit 5. Among other things, the Examiner determined that the recitation of services was unacceptable as indefinite, and additionally noted that BRP had not submitted a certified copy of the predicate foreign (Canadian) registration, as required. With respect to the Class 39 services, the Examiner said that BRP could amend its description “if accurate” to:

“Leasing and rental of snowmobiles; tour guide services and travel agency services, namely, making reservations and bookings for transportation; tour guide services” in Class 39

and

“Distributorships featuring snowmobiles” in Class 35.

35. On January 26, 2006, BRP responded to the Office Action. A copy of BRP’s response is attached as Exhibit 6. BRP indicated that BRP’s Canadian application was pending but not issued and requested suspension of BRP’s application until the Canadian registration issued. In addition, BRP amended its description of services in International Classes 35 and 39 to adopt the Examiner’s suggested language verbatim.

36. On February 17, 2006, the Examiner issued a further Office Action, a copy of which is attached as Exhibit 7. The Examiner accepted the amended listing of services but issued a final refusal on the Section 44(e) ground because BRP had not submitted a copy of the predicate Canadian registration. The Examiner asked BRP whether it was relying solely on Section 44(e) or whether it also wished to continue its application as an intent-to-use application.

37. On August 11, 2006, BRP responded to the Office Action, requesting that a) BRP’s application proceed solely as a Section 1(b) intent-to-use and b) BRP’s Section 44(e) basis be deleted entirely from BRP’s application. A copy of BRP’s response is attached as Exhibit 8.

38. On October 18, 2006, the U.S.P.T.O. passed the application to publication, with a publication date of November 7, 2006.

39. On January 30, 2007, the U.S.P.T.O. issued a Notice of Allowance. The Notice of Allowance provided that BRP had six months to file a Statement of Use (“SOU”).

40. Between July 13, 2007 and January 29, 2009, BRP requested and received four six-month extensions of time to file a SOU.

41. BRP never filed a SOU.

42. On March 23, 2008, BRP filed a Petition to Amend Filing Basis After Publication, seeking to delete Section 1(b) [intent-to-use] and to rely solely on Section 44(e) [foreign registration]. Together with its Petition, BRP submitted a copy of a Canadian registration (Reg. No. TMA 176,452) with a registration date of February 24, 2009 ("Canadian Registration"). The Canadian Registration covered forty-four identified goods and seven identified services. The identified services were:

SERVICES:

(1) Business management; business administration; advertising and cooperative advertising for others by means of airing television advertisements, radio advertisements, placing news paper advertisements, circulating brochures, posters, banners, and providing information via the Internet and selling of snowmobiles and snowmobile parts, snowmobile accessories, snowmobile clothing and snowmobile equipment; arranging and conducting trade shows and exhibitions in the field of snowmobiles; operating dealerships trading in snowmobiles, and parts, accessories, clothing and equipment therefor; providing trade information via a global computer network in the field of snowmobiles; on-line retail store services for snowmobiles and parts, accessories, clothing and equipment therefor; mail order catalog services featuring snowmobiles and parts, accessories, clothing and equipment therefor.

(2) Sponsoring races of snowmobiles and sponsoring snowmobile racers and snowmobile racing teams; providing financial services, namely: issuing credit cards.

(3) Repairing, servicing and restoring snowmobiles for others.

- (4) Distributing, renting and leasing snowmobiles for others.
- (5) Manufacturing and custom manufacturing snowmobiles for others.
- (6) Organizing and providing educational courses in respect of snowmobiles, snowmobile servicing and repairing and snowmobile restoration; organizing snowmobile races, competitions, events, clubs and contests.
- (7) Designing snowmobiles for others.

Copies of BRP's Petition and Canadian Registration are attached as Exhibit 9.

43. The Canadian Registration did not include "tour guide services and travel agency services, namely, making reservations and bookings for transportation; tour guide services" either in those exact words or in any other words.

44. On March 30, 2009, the U.S.P.T.O. granted the Petition, cancelled the Notice of Allowance, deleted Section 1(b) as a basis for the application, and stated "The Section 1(b) basis cannot be reinserted. See TMEP §806.03(j)." A copy of the U.S.P.T.O. communication is attached as Exhibit 10.

45. On May 20, 2009, the U.S.P.T.O. again passed BRP's application to publication, with a publication date of June 9, 2009.

46. Registration 3,673,043 for SKI-DOO was issued on August 25, 2009, based solely upon Section 44(e). As is relevant in Class 39, the registration is for "Tour guide services and travel agency services, namely, making reservations and bookings for transportation; tour guide services."

47. BRP's Reg. No. 3,673,043 has been registered for fewer than five years and is not incontestable. 15 U.S.C. §1064.

48. Where, as here, a United States application was based solely on Section 44(e), the registration may not exceed the scope of the goods and services identified in the foreign registration. 37 C.F.R. §2.32(a)(6).

49. Reg. No. 3,673.043 improperly exceeds the scope of BRP's Canadian Registration to the extent that it includes "tour guide services and travel agency services namely, making reservations and bookings for transportation; tour guide services" in Class 39. BRP's Canadian Registration does not include tour guide services or travel agency services.

50. Juddani will be damaged by the continued registration in Reg. No. 3,673,043 of SKI-DOO for "tour guide services and travel agency services, namely, making reservations and bookings for transportation; tour guide services" in Class 39. In its Notice of Opposition, BRP cites to its Reg. No. 3,673,043, specifically for the services quoted earlier in this paragraph, as a basis for opposing Juddani's application that is at issue in this proceeding. See Notice of Opposition, ¶8.

51. Other than Reg. No. 3,673,043, BRP has no U.S. trademark registration for travel related or travel-booking services.

WHEREFORE, Applicant and Counterclaim Petitioner demands judgment dismissing the opposition and, granting Juddani's Petition by cancelling U.S. Reg. 3,673,043 to the extent of cancelling the registration for "tour services and travel services, namely, making

reservations and bookings for transportation; tour services" in Class 39, together with the costs and disbursements of this action, and such further relief as the Board deems proper.

Dated: June 13, 2012

HODGSON RUSS LLP
*Attorneys for Applicant and
Counterclaim-Petitioner*

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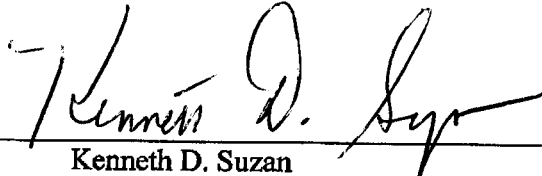
TO: James R. Menker
HOLLEY & MENKER, P.A.
Attorneys for Opposer and Counterclaim-Respondent
P.O. Box 331937
Atlantic Beach, FL 32233
eastdocket@holleymenker.com

CERTIFICATE OF SERVICE

I, Kenneth D. Suzan, hereby certify that a true and correct copy of this Answer to Notice of Opposition with Counterclaim for Partial Cancellation of Reg. No. 3,673,043 was served on June 13, 2012 by First Class Mail in an envelope addressed to:

Bombardier Recreational Products, Inc.
726 St-Joseph Street
Valcourt, Quebec J0E2L0
Canada

James R. Menker
HOLLEY & MENKER, P.A.
Attorneys for Opposer and Counterclaim-Respondent
P.O. Box 331937
Atlantic Beach, FL 32233


Kenneth D. Suzan

CERTIFICATE OF FILING

I, Kenneth D. Suzan, hereby certify that this Answer to Notice of Opposition With Counterclaim for Partial Cancellation of Reg. No. 3,673,043 is being electronically filed with the Trademark Trial and Appeal Board on June 13, 2012.

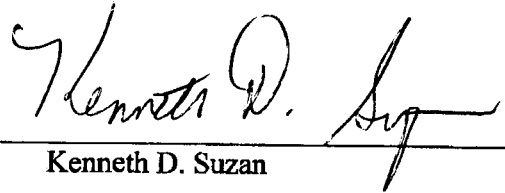

Kenneth D. Suzan

EXHIBIT 1

Int. Cl.: 41

Prior U.S. Cls.: 100, 101 and 107

Reg. No. 3,760,563

United States Patent and Trademark Office

Registered Mar. 16, 2010

Corrected

OG Date May 3, 2011

**SERVICE MARK
PRINCIPAL REGISTER**

SECRET AGENT 23 SKIDOO

JOEL SULLIVAN (UNITED STATES IN-
DIVIDUAL)
952 OLD FORT ROAD
FAIRVIEW, NC 28730
THE MARK CONSISTS OF STAN-
DARD CHARACTERS WITHOUT CLAIM
TO ANY PARTICULAR FONT, STYLE,
SIZE, OR COLOR.

FOR: ENTERTAINMENT, NAMELY,
LIVE PERFORMANCES BY A MUSICAL
BAND, IN CLASS 41 (U.S. CLS. 100, 101
AND 107).

FIRST USE 10-1-2007; IN COMMERCE
10-1-2007.

SER. NO. 77-785,529, FILED 7-21-2009.

*In testimony whereof I have hereunto set my hand
and caused the seal of The Patent and Trademark
Office to be affixed on May 3, 2011.*

EXHIBIT 2

United States Patent Office

726,868
Registered Jan. 30, 1962

PRINCIPAL REGISTER Trademark

Ser. No. 104,502, filed Sept. 15, 1960

SKIDOO

American-Marietta Company (Illinois corporation)
2246 W. 49th St.
Chicago 9, Ill.

For: INSECTICIDE AND INSECT REPELLENT; in
CLASS 6.

First use on or about Aug. 3, 1959; in commerce on or
about Aug. 3, 1959.

EXHIBIT 3

United States Patent Office

822,549

Registered Jan. 17, 1967

PRINCIPAL REGISTER Trademark

Ser. No. 210,194, filed Jan. 19, 1965

Skidoo

Consolidated Stamp Manufacturing Company (New York
corporation)
56 Church St.
Spring Valley, N.Y.

For: CHEMICAL PREPARATION FOR REMOV-
ING INKED PRICES FROM MERCHANDISE IN THE
FORM OF AN APPLICATOR, in CLASS 52.
First use Feb. 11, 1964; in commerce Feb. 11, 1964.

A. K. FRAZIER, *Examiner.*

EXHIBIT 4

Trademark/Service Mark Application, Principal Register

Serial Number: 78559953

Filing Date: 02/03/2005

The table below presents the data as entered.

Input Field	Entered
MARK SECTION	
MARK	SKI-DOO
STANDARD CHARACTERS	YES
USPTO GENERATED IMAGE	YES
LITERAL ELEMENT	SKI-DOO
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
OWNER SECTION	
NAME	Bombardier Recreational Products Inc.
STREET	726 St-Joseph Street
CITY	Valcourt
ZIP/POSTAL CODE	J0E2L0
COUNTRY	Canada
PHONE	514-732-7050
FAX	514-732-7058
EMAIL	ip@brp.com
AUTHORIZED EMAIL COMMUNICATION	Yes
LEGAL ENTITY SECTION	
TYPE	CORPORATION
STATE/COUNTRY OF INCORPORATION	Canada
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	035

<p>DESCRIPTION</p>	<p>Business management; business administration; advertising and cooperative advertising for others by means of airing television advertisements, radio advertisements, placing news paper advertisements, circulating brochures, posters, banners, and providing information via the Internet and selling of snowmobiles and snowmobile parts, snowmobile accessories, snowmobile clothing and snowmobile equipment; arranging and conducting trade shows and exhibitions in the field of snowmobiles; operating dealerships trading in snowmobiles, and parts, accessories, clothing and equipment therefor; providing trade information via a global computer network in the field of snowmobiles; on-line retail store services for snowmobiles and parts, accessories, clothing and equipment therefor; mail order catalog services featuring snowmobiles and parts, accessories, clothing and equipment therefor</p>
<p>FILING BASIS</p>	<p>Section 1(b)</p>
<p>GOODS AND/OR SERVICES SECTION</p>	
<p>INTERNATIONAL CLASS</p>	<p>035</p>
<p>DESCRIPTION</p>	<p>Business management; business administration; advertising and cooperative advertising for others by means of airing television advertisements, radio advertisements, placing news paper advertisements, circulating brochures, posters, banners, and providing information via the Internet and selling of snowmobiles and snowmobile parts, snowmobile accessories, snowmobile clothing and snowmobile equipment; arranging and conducting trade shows and exhibitions in the field of snowmobiles; operating dealerships trading in snowmobiles, and parts, accessories, clothing and equipment therefor; providing trade information via a global computer network in the field of snowmobiles; on-line retail store services for snowmobiles and parts, accessories, clothing and equipment therefor; mail order catalog services featuring snowmobiles and parts,</p>

	accessories, clothing and equipment therefor
FILING BASIS	Section 44(e)
FOREIGN REGISTRATION COUNTRY NAME	Canada (CAX)
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	036
DESCRIPTION	Sponsoring races of snowmobiles and sponsoring snowmobile racers and snowmobile racing teams; providing financial services, namely: issuing credit cards
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	036
DESCRIPTION	Sponsoring races of snowmobiles and sponsoring snowmobile racers and snowmobile racing teams; providing financial services, namely: issuing credit cards
FILING BASIS	Section 44(e)
FOREIGN REGISTRATION COUNTRY NAME	Canada (CAX)
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	037
DESCRIPTION	Repairing, servicing and restoring snowmobiles for others
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	037
DESCRIPTION	Repairing, servicing and restoring snowmobiles for others
FILING BASIS	Section 44(e)
FOREIGN REGISTRATION COUNTRY NAME	Canada (CAX)
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	039
DESCRIPTION	Distributing, renting and leasing snowmobiles for others; travel agency services; tour guide services
FILING BASIS	

FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	039
DESCRIPTION	Distributing, renting and leasing snowmobiles for others; travel agency services; tour guide services
FILING BASIS	Section 44(e)
FOREIGN REGISTRATION COUNTRY NAME	Canada (CAX)
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	040
DESCRIPTION	Manufacturing and custom manufacturing snowmobiles for others
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	040
DESCRIPTION	Manufacturing and custom manufacturing snowmobiles for others
FILING BASIS	Section 44(e)
FOREIGN REGISTRATION COUNTRY NAME	Canada (CAX)
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	041
DESCRIPTION	Organizing and providing educational courses in respect of snowmobiles, snowmobile servicing and repairing and snowmobile restoration; organizing snowmobile races, competitions, events, clubs and contests; lottery services
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	041
DESCRIPTION	Organizing and providing educational courses in respect of snowmobiles, snowmobile servicing and repairing and snowmobile restoration; organizing snowmobile races, competitions, events, clubs and contests; lottery services

FILING BASIS	Section 44(e)
FOREIGN REGISTRATION COUNTRY NAME	Canada (CAX)
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	042
DESCRIPTION	Designing snowmobiles for others
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	042
DESCRIPTION	Designing snowmobiles for others
FILING BASIS	Section 44(e)
FOREIGN REGISTRATION COUNTRY NAME	Canada (CAX)
SIGNATURE SECTION	
SIGNATURE	/JDC/
SIGNATORY NAME	Jonathan D. Cutler
SIGNATORY DATE	02/03/2005
SIGNATORY POSITION	Director, Intellectual Property
PAYMENT SECTION	
NUMBER OF CLASSES	7
NUMBER OF CLASSES PAID	7
SUBTOTAL AMOUNT	2275
TOTAL AMOUNT	2275
ATTORNEY	
NAME	Jonathan D. Cutler
FIRM NAME	Bombardier Recreational Products Inc.
INTERNAL ADDRESS	Intellectual Property Dept.
STREET	P.O. Box 230
CITY	Norton
STATE	Vermont
ZIP/POSTAL CODE	05907-0230
COUNTRY	United States
PHONE	514-732-7050

FAX	514-732-7058
EMAIL	ip@brp.com
AUTHORIZED EMAIL COMMUNICATION	Yes
ATTORNEY DOCKET NUMBER	RT-00046-US7
OTHER APPOINTED ATTORNEYS(S)	Jennifer E. Millson
DOMESTIC REPRESENTATIVE SECTION	
NAME	BRP US Inc.
INTERNAL ADDRESS	Legal Services Dept.
STREET	10101 Science Drive
CITY	Sturtevant
STATE	Wisconsin
ZIP/POSTAL CODE	53177
COUNTRY	USA
PHONE	262-884-5000
FAX	262-884-5004
EMAIL	ip@brp.com
AUTHORIZED EMAIL COMMUNICATION	Yes
CORRESPONDENCE SECTION	
NAME	Bombardier Recreational Products Inc.
INTERNAL ADDRESS	Intellectual Prop Dept.
STREET	P.O. Box 230
CITY	Norton
STATE	Vermont
ZIP/POSTAL CODE	05907-0230
COUNTRY	United States
PHONE	262-884-5000
FAX	262-884-5004
EMAIL	ip@brp.com
AUTHORIZED EMAIL COMMUNICATION	Yes
FILING INFORMATION	

SUBMIT DATE	Thu Feb 03 15:20:02 EST 2005
TEAS STAMP	USPTO/BAS-20723618174-200 50203152002045429-7855995 3-200787558e57bf68af8fb32 1ec8448aa45-CC-148-200502 03151622283972

Trademark/Service Mark Application, Principal Register

Serial Number: 78559953

Filing Date: 02/03/2005

To the Commissioner for Trademarks:

MARK: (Standard Characters, see mark)

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The literal element of the mark consists of SKI-DOO.

The applicant, Bombardier Recreational Products Inc., a corporation of Canada, residing at 726 St-Joseph Street, Valcourt, Canada, J0E2L0, requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended.

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 035: Business management; business administration; advertising and cooperative advertising for others by means of airing television advertisements, radio advertisements, placing news paper advertisements, circulating brochures, posters, banners, and providing information via the Internet and selling of snowmobiles and snowmobile parts, snowmobile accessories, snowmobile clothing and snowmobile equipment; arranging and conducting trade shows and exhibitions in the field of snowmobiles; operating dealerships trading in snowmobiles, and parts, accessories, clothing and equipment therefor; providing trade information via a global computer network in the field of snowmobiles; on-line retail store services for snowmobiles and parts, accessories, clothing and equipment therefor; mail order catalog services featuring snowmobiles and parts, accessories, clothing and equipment therefor

International Class 036: Sponsoring races of snowmobiles and sponsoring snowmobile racers and snowmobile racing teams; providing financial services, namely: issuing credit cards

International Class 037: Repairing, servicing and restoring snowmobiles for others

International Class 039: Distributing, renting and leasing snowmobiles for others; travel agency services; tour guide services

International Class 040: Manufacturing and custom manufacturing snowmobiles for others

International Class 041: Organizing and providing educational courses in respect of snowmobiles, snowmobile servicing and repairing and snowmobile restoration; organizing snowmobile races, competitions, events, clubs and contests; lottery services

International Class 042: Designing snowmobiles for others

Based on Foreign Registration: Applicant has a bona fide intention to use the mark in commerce on or in connection with the identified goods and/or services, and will submit a copy of Canada registration

number _____, registered _____ with a renewal date of _____ and an expiration date of _____, and translation thereof, if appropriate. 15 U. S.C. Section 1126(e), as amended.

International Class 035: Business management; business administration; advertising and cooperative advertising for others by means of airing television advertisements, radio advertisements, placing news paper advertisements, circulating brochures, posters, banners, and providing information via the Internet and selling of snowmobiles and snowmobile parts, snowmobile accessories, snowmobile clothing and snowmobile equipment; arranging and conducting trade shows and exhibitions in the field of snowmobiles; operating dealerships trading in snowmobiles, and parts, accessories, clothing and equipment therefor; providing trade information via a global computer network in the field of snowmobiles; on-line retail store services for snowmobiles and parts, accessories, clothing and equipment therefor; mail order catalog services featuring snowmobiles and parts, accessories, clothing and equipment therefor

Based on Foreign Registration: Applicant has a bona fide intention to use the mark in commerce on or in connection with the identified goods and/or services, and will submit a copy of Canada registration number _____, registered _____ with a renewal date of _____ and an expiration date of _____, and translation thereof, if appropriate. 15 U. S.C. Section 1126(e), as amended.

International Class 036: Sponsoring races of snowmobiles and sponsoring snowmobile racers and snowmobile racing teams; providing financial services, namely: issuing credit cards

Based on Foreign Registration: Applicant has a bona fide intention to use the mark in commerce on or in connection with the identified goods and/or services, and will submit a copy of Canada registration number _____, registered _____ with a renewal date of _____ and an expiration date of _____, and translation thereof, if appropriate. 15 U. S.C. Section 1126(e), as amended.

International Class 037: Repairing, servicing and restoring snowmobiles for others

Based on Foreign Registration: Applicant has a bona fide intention to use the mark in commerce on or in connection with the identified goods and/or services, and will submit a copy of Canada registration number _____, registered _____ with a renewal date of _____ and an expiration date of _____, and translation thereof, if appropriate. 15 U. S.C. Section 1126(e), as amended.

International Class 039: Distributing, renting and leasing snowmobiles for others; travel agency services; tour guide services

Based on Foreign Registration: Applicant has a bona fide intention to use the mark in commerce on or in connection with the identified goods and/or services, and will submit a copy of Canada registration number _____, registered _____ with a renewal date of _____ and an expiration date of _____, and translation thereof, if appropriate. 15 U. S.C. Section 1126(e), as amended.

International Class 040: Manufacturing and custom manufacturing snowmobiles for others

Based on Foreign Registration: Applicant has a bona fide intention to use the mark in commerce on or in connection with the identified goods and/or services, and will submit a copy of Canada registration number _____, registered _____ with a renewal date of _____ and an expiration date of _____, and translation thereof, if appropriate. 15 U. S.C. Section 1126(e), as amended.

International Class 041: Organizing and providing educational courses in respect of snowmobiles,

snowmobile servicing and repairing and snowmobile restoration; organizing snowmobile races, competitions, events, clubs and contests; lottery services

Based on Foreign Registration: Applicant has a bona fide intention to use the mark in commerce on or in connection with the identified goods and/or services, and will submit a copy of Canada registration number _____, registered _____ with a renewal date of _____ and an expiration date of _____, and translation thereof, if appropriate. 15 U. S.C. Section 1126(e), as amended.

International Class 042: Designing snowmobiles for others

The applicant hereby appoints Jonathan D. Cutler and Jennifer E. Millson of Bombardier Recreational Products Inc., Intellectual Property Dept., P.O. Box 230, Norton, Vermont, United States, 05907-0230 to submit this application on behalf of the applicant. The attorney docket/reference number is RT-00046-US7.

The applicant hereby appoints BRP US Inc., Legal Services Dept., 10101 Science Drive, Sturtevant, Wisconsin, USA 53177 as applicant's representative upon whom notice or process in the proceedings affecting the mark may be served.

The USPTO is authorized to communicate with the applicant or its representative at the following email address: ip@brp.com.

A fee payment in the amount of \$2275 will be submitted with the application, representing payment for 7 class(es).

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /JDC/ Date: 02/03/2005

Signatory's Name: Jonathan D. Cutler

Signatory's Position: Director, Intellectual Property

Mailing Address:

Jonathan D. Cutler

Intellectual Property Dept.

P.O. Box 230
Norton, Vermont 05907-0230

RAM Sale Number: 148
RAM Accounting Date: 02/04/2005

Serial Number: 78559953
Internet Transmission Date: Thu Feb 03 15:20:02 EST 2005
TEAS Stamp: USPTO/BAS-20723618174-200502031520020454
29-78559953-200787558e57bf68af8fb321ec84
48aa45-CC-148-20050203151622283972

SKI-DOO

EXHIBIT 5

Postage: Bombardier Recreational Products Inc. (ip@brp.com)
Subject: TRADEMARK APPLICATION NO. 78559953 SKI-DOO RT-00046-
US7
Date: 9/1/2005
Software: ECOMMERCE
Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 78/559953

APPLICANT: Bombardier Recreational Products Inc.

78559953

CORRESPONDENT ADDRESS:

BOMBARDIER RECREATIONAL PRODUCTS INC.
INTELLECTUAL PROP DEPT.
P.O. BOX 230
NORTON, VT 05907-0230

RETURN ADDRESS:
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

MARK: SKI-DOO

CORRESPONDENT'S REFERENCE/DOCKET NO : RT-00046-
US7

CORRESPONDENT EMAIL ADDRESS:

ip@brp.com

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

OFFICE ACTION

RESPONSE TIME LIMIT: TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE MAILING OR E-MAILING DATE.

Serial Number 78/559953

The assigned examining attorney has reviewed the referenced application and determined the following.

Search

The examining attorney has searched the Office records and has found no similar registered or pending mark which would bar registration under Trademark Act Section 2(d), 15 U.S.C. Section 1052(d). TMEP section 1105.01.

Recitation of Services

The recitation of services is unacceptable as indefinite because it is not clear what the applicant's services are and certain items need further clarification.

Class 35

The wording "providing information via the Internet and selling of snowmobiles and snowmobile parts, snowmobile accessories, snowmobile clothing and snowmobile equipment" is too vague. The applicant must clarify the type of information provided since this could include information services in other classes. If the applicant is providing advertising information this is acceptable in class 35. If the applicant is selling snowmobiles on-line the applicant must clarify these services as suggested below. The applicant may wish to consult the on-line identification manual on the PTO homepage for acceptable common names of services.

[http://www.uspto.gov/web/offices/tac/doc/gsmannual/](http://www.uspto.gov/web/offices/tac/doc/gsmmanual/)

The applicant may adopt any of the following recitations, if accurate:

"Business management; business administration and management; advertising and cooperative advertising for others by means of airing television advertisements, radio advertisements, placing news paper advertisements, circulating brochures, posters, banners, and providing advertising information via the Internet; on-line retail store services featuring snowmobiles and snowmobile parts, snowmobile accessories, snowmobile clothing and snowmobile equipment; arranging and conducting trade shows and trade show exhibitions in the field of snowmobiles; operating dealerships featuring snowmobiles, and parts, accessories, clothing and equipment therefor; providing trade information via a global computer network in the field of snowmobiles; mail order catalog services featuring snowmobiles and parts, accessories, clothing and equipment therefor." International Class 35.

Class 36

The applicant must indicate the nature of the sponsorship services. Financial sponsorship is in class 36. The applicant may adopt any of the following recitations, if accurate:

"Financial sponsorship of snowmobile races, snowmobile racers and snowmobile racing teams; providing financial services, namely, issuing credit cards." International Class 36.

Class 37

The Class 37 listing of services is acceptable as is.

Class 39

The wording "Distributing, renting and leasing snowmobiles for others" is not acceptable. If the applicant is a distributorship featuring snowmobiles this is a class 35 service. Leasing and rental of snowmobiles is acceptable in class 39. The applicant must also indicate the nature of the travel agency services since some travel agency services are in other classes. The applicant may adopt the following if accurate:

"Leasing and rental of snowmobiles; tour guide services and travel agency services, namely, making reservations and bookings for transportation; tour guide services." International Class 39.

"Distributorships featuring snowmobiles." International Class 35.

Class 40

The wording "custom manufacture of snowmobiles for others" is acceptable. However, if the applicant wishes to also list

manufacture of these items in the recitation they must indicate that they are to the order and specification of others. The applicant may adopt the following, if accurate:

"Custom manufacture of snowmobiles for others; manufacture of snowmobiles to the order and specification of others." International Class 40.

Class 41

The wording "Organizing and providing educational courses in respect of snowmobiles, snowmobile servicing and repairing and snowmobile restoration" is confusing. The applicant should clarify the educational services. The applicant must specify the nature of the clubs as well. Social clubs are in class 45 and not class 41. The applicant may adopt the following if accurate:

"Providing educational courses in the field of snowmobiles, snowmobile servicing and repairing and snowmobile restoration; Entertainment services, namely, organizing snowmobile races, competitions, events, fan clubs and contests; lottery services." International Class 41.

Class 42

The Class 42 listing of services is acceptable as is.

Please note that, while an application may be amended to clarify or limit the identification, additions to the identification are not permitted. 37 C.F.R. Section 2.71(a); TMEP section 804.09. Therefore, the applicant may not amend to include any services that are not within the scope of services set forth in the present identification.

Additional Fees

If the applicant prosecutes this application as a combined, or multiple² class, application, the applicant must comply with each of the following.

(1) The applicant must list the goods/services by international class with the classes listed in ascending numerical order. TMEP section 1113.01.

(2) The applicant must submit a filing fee for each international class of goods/services not covered by the fee already paid. The filing fee is \$335.00 per class. 37 C.F.R. Sections 2.6(a)(1) and 2.86(b); TMEP sections 810.01 and 1113.01.

Foreign Registration Required

An application under Trademark Act Section 44(e), 15 U.S.C. Section 1126(e), must include a certification or certified copy of a foreign registration from the applicant's country of origin. The applicant's country of origin must either be a party to a convention or treaty relating to trademarks to which the United States is also a party or extend reciprocal registration rights to nationals of the United States by law. See TMEP Section 1002.

The application does not contain the certified copy. Therefore, the applicant must submit a certification or certified copy of the foreign registration. If the foreign certificate of registration is not written in English, the applicant must provide an English translation. The translator should sign the translation.

Claim of Ownership for Other Similar Registered Marks

It appears that the applicant is the owner of other similar marks that are previously registered. If the applicant is the owner of Registration Nos. 0939563, 2298590, 1912626 and others the applicant must submit a claim of ownership. 37 C.F.R. Section 2.36; TMEP section 812.

If the applicant has any questions or needs assistance in responding to this Office action, please telephone the assigned examining attorney.

Rebecca Smith
Trademark Attorney
Law Office 110
(571) 272-9223

HOW TO RESPOND TO THIS OFFICE ACTION:

- **ONLINE RESPONSE:** You may respond formally using the Office's Trademark Electronic Application System (TEAS) Response to Office Action form (visit <http://www.uspto.gov/teas/index.html> and follow the instructions, but if the Office Action has been issued via email, you must wait 72 hours after receipt of the Office Action to respond via TEAS).
- **REGULAR MAIL RESPONSE:** To respond by regular mail, your response should be sent to the mailing return address above and include the serial number, law office number and examining attorney's name in your response.

STATUS OF APPLICATION: To check the status of your application, visit the Office's Trademark Applications and Registrations Retrieval (TARR) system at <http://tarr.uspto.gov>.

VIEW APPLICATION DOCUMENTS ONLINE: Documents in the electronic file for pending applications can be viewed and downloaded online at <http://portal.uspto.gov/external/portal/tow>.

GENERAL TRADEMARK INFORMATION: For general information about trademarks, please visit the Office's website at <http://www.uspto.gov/main/trademarks.htm>

FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED EXAMINING ATTORNEY SPECIFIED ABOVE.

EXHIBIT 6

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	78559953
LAW OFFICE ASSIGNED	LAW OFFICE 110
MARK SECTION (no change)	
ARGUMENT(S)	<p>This letter is in response to the Office Action of September 1, 2005.</p> <p>FOREIGN REGISTRATION REQUIRED</p> <p>The Applicant indicates that the Canadian application is still pending but not issued. Suspension of the present application until issuance of the foreign registration is requested.</p> <p>CLAIM OF OWNERSHIP</p> <p>The Applicant states that he is the owner U.S. Registration Nos. 0939563, 0945135, 0948141, 2298590 and 1912626.</p> <p>Should the Examining Attorney believe that a telephone conference would expedite the prosecution of this application, she is invited to telephone the undersigned at 514-732-7004.</p> <p>Respectfully submitted,</p>
GOODS AND/OR SERVICES SECTION (035)(current)	
INTERNATIONAL CLASS	035
DESCRIPTION	<p>Business management; business administration; advertising and cooperative advertising for others by means of airing television advertisements, radio advertisements, placing news paper advertisements, circulating brochures, posters, banners, and providing information via the Internet and selling of snowmobiles and snowmobile parts, snowmobile accessories, snowmobile clothing and snowmobile equipment; arranging and conducting trade shows and exhibitions in the field of snowmobiles; operating dealerships trading in snowmobiles, and parts, accessories, clothing and equipment therefor; providing trade information via a global computer network in the field of snowmobiles; on-line retail store services for snowmobiles and parts, accessories, clothing and equipment therefor; mail order catalog services featuring snowmobiles and parts, accessories, clothing and equipment therefor</p>
FILING BASIS	Section 1(b)

FILING BASIS	Section 44(e)
GOODS AND/OR SERVICES SECTION (035)(proposed)	
INTERNATIONAL CLASS	035
DESCRIPTION	
Business management; business administration and management; advertising and cooperative advertising for others by means of airing television advertisements, radio advertisements, placing news paper advertisements, circulating brochures, posters, banners, and providing advertising information via the Internet; dealerships and distributorships featuring snowmobiles; on-line retail store services featuring snowmobiles and snowmobile parts, snowmobile accessories, snowmobile clothing and snowmobile equipment; arranging and conducting trade shows and trade show exhibitions in the field of snowmobiles; operating dealerships featuring snowmobiles, and parts, accessories, clothing and equipment therefor; providing trade information via a global computer network in the field of snowmobiles; mail order catalog services featuring snowmobiles and parts, accessories, clothing and equipment therefor.	
FILING BASIS	Section 1(b)
FILING BASIS	Section 44(e)
GOODS AND/OR SERVICES SECTION (036)(current)	
INTERNATIONAL CLASS	036
DESCRIPTION	
Sponsoring races of snowmobiles and sponsoring snowmobile racers and snowmobile racing teams; providing financial services, namely: issuing credit cards	
FILING BASIS	Section 1(b)
FILING BASIS	Section 44(e)
GOODS AND/OR SERVICES SECTION (036)(proposed)	
INTERNATIONAL CLASS	036
DESCRIPTION	
Financial sponsorship of snowmobile races, snowmobile racers and snowmobile racing teams; providing financial services, namely, issuing credit cards.	
FILING BASIS	Section 1(b)
FILING BASIS	Section 44(e)
GOODS AND/OR SERVICES SECTION (037)(no change)	
GOODS AND/OR SERVICES SECTION (039)(current)	
INTERNATIONAL CLASS	039
DESCRIPTION	
Distributing, renting and leasing snowmobiles for others; travel agency services; tour guide	

services	
FILING BASIS	Section 1(b)
FILING BASIS	Section 44(e)
GOODS AND/OR SERVICES SECTION (039)(proposed)	
INTERNATIONAL CLASS	039
DESCRIPTION	
Leasing and rental of snowmobiles; tour guide services and travel agency services, namely, making reservations and bookings for transportation; tour guide services.	
FILING BASIS	Section 1(b)
FILING BASIS	Section 44(e)
GOODS AND/OR SERVICES SECTION (040)(current)	
INTERNATIONAL CLASS	040
DESCRIPTION	
Manufacturing and custom manufacturing snowmobiles for others	
FILING BASIS	Section 1(b)
FILING BASIS	Section 44(e)
GOODS AND/OR SERVICES SECTION (040)(proposed)	
INTERNATIONAL CLASS	040
DESCRIPTION	
Custom manufacture of snowmobiles for others; manufacture of snowmobiles to the order and specification of others.	
FILING BASIS	Section 1(b)
FILING BASIS	Section 44(e)
GOODS AND/OR SERVICES SECTION (041)(current)	
INTERNATIONAL CLASS	041
DESCRIPTION	
Organizing and providing educational courses in respect of snowmobiles, snowmobile servicing and repairing and snowmobile restoration; organizing snowmobile races, competitions, events, clubs and contests; lottery services	
FILING BASIS	Section 1(b)
FILING BASIS	Section 44(e)
GOODS AND/OR SERVICES SECTION (041)(proposed)	
INTERNATIONAL CLASS	

INTERNATIONAL CLASS	041
DESCRIPTION	
Providing educational courses and training in the field of snowmobiles; snowmobile servicing and repairing and snowmobile restoration; entertainment services, namely, organizing snowmobile races, competitions, events, snowmobile clubs and contests; lottery services.	
FILING BASIS	Section 1(b)
FILING BASIS	Section 44(e)
GOODS AND/OR SERVICES SECTION (042)(no change)	
SIGNATURE SECTION	
DECLARATION SIGNATURE	/FD/
SIGNATORY NAME	Frederic Dionne
SIGNATORY POSITION	Trademark Agent
SIGNATURE DATE	01/26/2006
RESPONSE SIGNATURE	/FD/
SIGNATORY NAME	Frederic Dionne
SIGNATORY POSITION	Trademark Agent
SIGNATURE DATE	01/26/2006
FILING INFORMATION SECTION	
SUBMIT DATE	Thu Jan 26 15:04:32 EST 2006
TEAS STAMP	USPTO/ROA-207.236.181.71- 20060126150432438096-7855 9953-320185fe936c1349c4ff bf7a562100dbca-N/A-N/A-20 060126145554971096

Response to Office Action

To the Commissioner for Trademarks:

Application serial no. **78559953** has been amended as follows:

Argument(s)

In response to the substantive refusal(s), please note the following:

This letter is in response to the Office Action of September 1, 2005.

FOREIGN REGISTRATION REQUIRED

The Applicant indicates that the Canadian application is still pending but not issued. Suspension of the present application until issuance of the foreign registration is requested.

CLAIM OF OWNERSHIP

The Applicant states that he is the owner U.S. Registration Nos. 0939563, 0945135, 0948141, 2298590 and 1912626.

Should the Examining Attorney believe that a telephone conference would expedite the prosecution of this application, she is invited to telephone the undersigned at 514-732-7004.

Respectfully submitted,

Classification and Listing of Goods/Services

Applicant hereby amends the following class of goods/services in the application as follows:

Current: Class 035 for Business management; business administration; advertising and cooperative advertising for others by means of airing television advertisements, radio advertisements, placing news paper advertisements, circulating brochures, posters, banners, and providing information via the Internet and selling of snowmobiles and snowmobile parts, snowmobile accessories, snowmobile clothing and snowmobile equipment; arranging and conducting trade shows and exhibitions in the field of snowmobiles; operating dealerships trading in snowmobiles, and parts, accessories, clothing and equipment therefor; providing trade information via a global computer network in the field of snowmobiles; on-line retail store services for snowmobiles and parts, accessories, clothing and equipment therefor; mail order catalog services featuring snowmobiles and parts, accessories, clothing and equipment therefor

Original Filing Basis: 1(b); and/or 44(e).

Proposed: Class 035 for Business management; business administration and management; advertising and cooperative advertising for others by means of airing television advertisements, radio advertisements, placing news paper advertisements, circulating brochures, posters, banners, and providing advertising information via the Internet; dealerships and distributorships featuring snowmobiles; on-line retail store services featuring snowmobiles and snowmobile parts, snowmobile accessories, snowmobile clothing and snowmobile equipment; arranging and conducting trade shows and trade show exhibitions in the field of snowmobiles; operating dealerships featuring snowmobiles, and parts, accessories, clothing and equipment therefor; providing trade information via a global computer network in the field of snowmobiles; mail order catalog services featuring snowmobiles and parts, accessories, clothing and equipment therefor.

Applicant hereby amends the following class of goods/services in the application as follows:

Current: Class 036 for Sponsoring races of snowmobiles and sponsoring snowmobile racers and snowmobile racing teams; providing financial services, namely: issuing credit cards

Original Filing Basis: 1(b); and/or 44(e).

Proposed: Class 036 for Financial sponsorship of snowmobile races, snowmobile racers and snowmobile racing teams; providing financial services, namely, issuing credit cards.

Applicant hereby amends the following class of goods/services in the application as follows:

Current: Class 039 for Distributing, renting and leasing snowmobiles for others; travel agency services; tour guide services

Original Filing Basis: 1(b); and/or 44(e).

Proposed: Class 039 for Leasing and rental of snowmobiles; tour guide services and travel agency services, namely, making reservations and bookings for transportation; tour guide services.

Applicant hereby amends the following class of goods/services in the application as follows:

Current: Class 040 for Manufacturing and custom manufacturing snowmobiles for others

Original Filing Basis: 1(b); and/or 44(e).

Proposed: Class 040 for Custom manufacture of snowmobiles for others; manufacture of snowmobiles to the order and specification of others.

Applicant hereby amends the following class of goods/services in the application as follows:

Current: Class 041 for Organizing and providing educational courses in respect of snowmobiles, snowmobile servicing and repairing and snowmobile restoration; organizing snowmobile races, competitions, events, clubs and contests; lottery services

Original Filing Basis: 1(b); and/or 44(e).

Proposed: Class 041 for Providing educational courses and training in the field of snowmobiles; snowmobile servicing and repairing and snowmobile restoration; entertainment services, namely, organizing snowmobile races, competitions, events, snowmobile clubs and contests; lottery services.

Declaration Signature

If the applicant is seeking registration under Section 1(b) and/or Section 44 of the Trademark Act, the applicant had a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. 37 C.F.R. Secs. 2.34(a)(2)(i); 2.34 (a)(3)(i); and 2.34(a)(4)(ii). If the applicant is seeking registration under Section 1(a) of the Trademark Act, the mark was in use in commerce on or in connection with the goods or services listed in the application as of the application filing date. 37 C.F.R. Secs. 2.34(a)(1)(i). The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. §1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; that if the original application was submitted unsigned, that all statements in the original application and this submission made of the declaration signer's knowledge are true; and all statements in the original application and this submission made on information and belief are believed to be true.

Signature: /FD/ Date: 01/26/2006

Signatory's Name: Frederic Dionne

Signatory's Position: Trademark Agent

Response Signature

Signature: /FD/ Date: 01/26/2006

Signatory's Name: Frederic Dionne

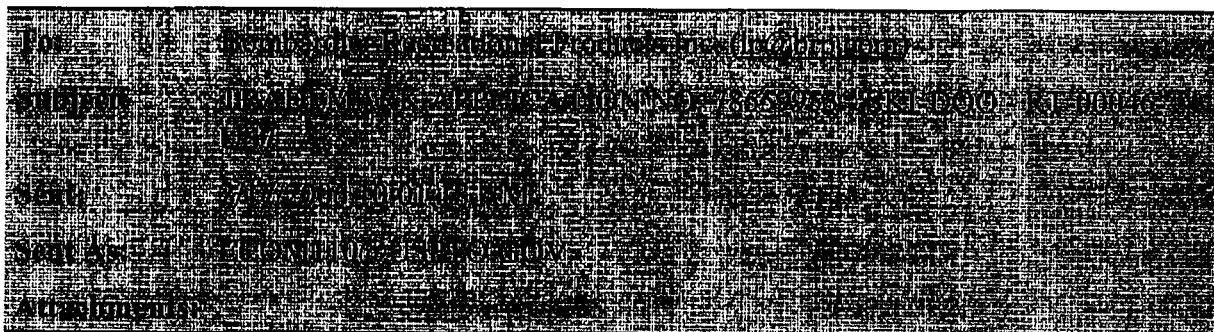
Signatory's Position: Trademark Agent

Serial Number: 78559953

Internet Transmission Date: Thu Jan 26 15:04:32 EST 2006

TEAS Stamp: USPTO/ROA-207.236.181.71-200601261504324
38096-78559953-320185fe936c1349c4f1bf7a5
62100dbca-N/A-N/A-20060126145554971096

EXHIBIT 7



UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 78/559953

APPLICANT: Bombardier Recreational Products Inc.

78559953

CORRESPONDENT ADDRESS:

BOMBARDIER RECREATIONAL PRODUCTS INC.
INTELLECTUAL PROP DEPT.
P.O. BOX 230
NORTON, VT 05907-0230

RETURN ADDRESS:
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

MARK: SKI-DOO

CORRESPONDENT'S REFERENCE/DOCKET NO : RT-00046-US7

CORRESPONDENT EMAIL ADDRESS:

ip@brp.com

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

OFFICE ACTION

RESPONSE TIME LIMIT: TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE MAILING OR E-MAILING DATE.

MAILING/E-MAILING DATE INFORMATION: If the mailing or e-mailing date of this Office action does not appear above, this information can be obtained by visiting the USPTO website at <http://tarr.uspto.gov/>, inserting the application serial number, and viewing the prosecution history for the mailing date of the most recently issued Office communication.

Serial Number 78/559953

FINAL OFFICE ACTION

The applicant's response has been received. The amended listing of services and claim of ownership are both acceptable. However, following issue remains and is made **FINAL**.

Foreign Registration Required

Applicant must submit a copy of the foreign registration to satisfy the requirement of Trademark Act Section 44(e). 15 U.S.C. §1126(e). If the foreign certificate of registration is not written in English, then applicant must provide an English translation signed by the translator. See TMEP §§1004.01 and 1004.01(b).

The application does not presently contain a copy of the foreign registration. An application filed under Section 44(e) must include a true copy, photocopy, certification or certified copy of a foreign registration or a registered extension of protection of an international registration from the applicant's country of origin. If applicant's country of origin does not issue registrations or certificates of extension of protection, applicant may submit a copy of the international registration, showing that protection of the international registration has been extended to applicant's country of origin. TMEP §§1004 *et seq.* and 1016.

Applicant's country of origin must either be a party to a convention or treaty relating to trademarks to which the United States is also a party, or must extend reciprocal registration rights to nationals of the United States by law. See TMEP §§1002.01 and 1004.

Applicant must advise the trademark examining attorney whether applicant intends to rely *solely* on the foreign registration as the basis for registration. The foreign registration alone may serve as the basis for obtaining a U.S. registration resulting from this application.

Unless applicant indicates otherwise, this Office will presume that the applicant wishes to rely on *both* Section 1(b) and Section 44(e) as the bases for registration. In this case, although the application may be approved for publication, the mark will not register until an acceptable allegation of use has been filed.

APPLICANT'S OPTIONS

Please note that the only appropriate responses to a final action are (1) compliance with the outstanding requirements, if feasible, (2) filing of an appeal to the Trademark Trial and Appeal Board, or (3) filing of a petition to the Commissioner if permitted by 37 C.F.R. Section 2.63(b). 37 C.F.R. Section 2.64(a). Regarding petitions to the Commissioner, see 37 C.F.R. Section 2.146; TMEP sections 1702 and 1704. If the applicant fails to respond within six months of the mailing date of this refusal, this Office will declare the application abandoned. 37 C.F.R. Section 2.65(a).

If the applicant has any questions or needs assistance in responding to this Office action, please telephone the assigned examining attorney.

/ras/

Rebecca Smith
U.S. Patent & Trademark Office
Law Office 110
(571) 272-9223

HOW TO RESPOND TO THIS OFFICE ACTION:

- **ONLINE RESPONSE:** You may respond formally using the Office's Trademark Electronic Application System (TEAS) Response to Office Action form (visit <http://www.uspto.gov/teas/index.html> and follow the instructions, but if the Office Action has been issued via email, you must wait 72 hours after receipt of the Office Action to respond via TEAS).
- **REGULAR MAIL RESPONSE:** To respond by regular mail, your response should be sent to the mailing return address above and include the serial number, law office number and examining attorney's name in your response.

STATUS OF APPLICATION: To check the status of your application, visit the Office's Trademark Applications and Registrations Retrieval (TARR) system at <http://tarr.uspto.gov>.

VIEW APPLICATION DOCUMENTS ONLINE: Documents in the electronic file for pending applications can be viewed and downloaded online at <http://portal.uspto.gov/external/portal/tow>.

GENERAL TRADEMARK INFORMATION: For general information about trademarks, please visit the Office's website at <http://www.uspto.gov/main/trademarks.htm>

FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED EXAMINING ATTORNEY SPECIFIED ABOVE.

EXHIBIT 8

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	78559953
LAW OFFICE ASSIGNED	LAW OFFICE 110
MARK SECTION (no change)	
ARGUMENT(S)	
<p>This letter is in response to the Final Office Action of February 17, 2006.</p> <p><u>Foreign Registration Required</u></p> <p>The Applicant wishes to proceed relying on Applicant's intent to use the mark in commerce under Trademark Act Section 1(b) as the sole basis for registration. The Applicant, therefore, requests that all reference to Section 44(e) be deleted from the application.</p> <p>The Applicant believes that this application is in condition to be expeditiously approved for publication and such action is earnestly solicited. Should the Examining Attorney believes that a telephone conference would expedite the prosecution of this application, she is invited to telephone the undersigned at 450-532-6359.</p> <p>Respectfully submitted,</p>	
SIGNATURE SECTION	
DECLARATION SIGNATURE	/FD/
SIGNATORY'S NAME	Frederic Dionne
SIGNATORY'S POSITION	Trademark Agent
DATE SIGNED	08/11/2006
RESPONSE SIGNATURE	/FD/
SIGNATORY'S NAME	Frederic Dionne
SIGNATORY'S POSITION	Trademark Agent
DATE SIGNED	08/11/2006
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	

SUBMIT DATE	Fri Aug 11 10:20:08 EDT 2006
TEAS STAMP	USPTO/ROA-207.236.181.71- 20060811102008800552-7855 9953-3409e7d673a651961faa fdc7755a8c5422f-N/A-N/A-2 0060811101440075462

PTO Form 1957 (Rev 9/2005)
OMB No. 0051-0060 (Exp. 04/2009)

Response to Office Action To the Commissioner for Trademarks:

Application serial no. **78559953** has been amended as follows:

Argument(s)

In response to the substantive refusal(s), please note the following:

This letter is in response to the Final Office Action of February 17, 2006.

Foreign Registration Required

The Applicant wishes to proceed relying on Applicant's intent to use the mark in commerce under Trademark Act Section 1(b) as the sole basis for registration. The Applicant, therefore, requests that all reference to Section 44(e) be deleted from the application.

The Applicant believes that this application is in condition to be expeditiously approved for publication and such action is earnestly solicited. Should the Examining Attorney believes that a telephone conference would expedite the prosecution of this application, she is invited to telephone the undersigned at 450-532-6359.

Respectfully submitted,

Declaration Signature

If the applicant is seeking registration under Section 1(b) and/or Section 44 of the Trademark Act, the applicant had a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. 37 C.F.R. Secs. 2.34(a)(2)(i); 2.34 (a)(3)(i); and 2.34(a)(4)(ii). If the applicant is seeking registration under Section 1(a) of the Trademark Act, the mark was in use in commerce on or in connection with the goods or services listed in the application as of the application filing date. 37 C.F.R. Secs. 2.34(a)(1)(i). The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant

to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. §1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; that if the original application was submitted unsigned, that all statements in the original application and this submission made of the declaration signer's knowledge are true; and all statements in the original application and this submission made on information and belief are believed to be true.

Signature: /FD/ Date: 08/11/2006
Signatory's Name: Frederic Dionne
Signatory's Position: Trademark Agent

Response Signature

Signature: /FD/ Date: 08/11/2006
Signatory's Name: Frederic Dionne
Signatory's Position: Trademark Agent

Serial Number: 78559953
Internet Transmission Date: Fri Aug 11 10:20:08 EDT 2006
TEAS Stamp: USPTO/ROA-207.236.181.71-200608111020088
00552-78559953-3409e7d673a651961faafdc77
55a8c5422f-N/A-N/A-20060811101440075462

EXHIBIT 9

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF TRANSMISSION

Applicant Name: Bombardier Recreational Products Inc.

Mark: SKI-DOO

Ser. No. 78/559953

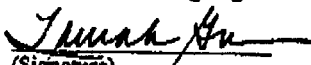
Our Ref. No. 1005.0134

The following checked items are submitted herewith:

- ☒ Petition to Director
- ☒ Copy of Home Country Registration
- ☒ Authorization to Charge Credit Card
- ☐ Other, namely, _____

I hereby certify that this correspondence (10 total pages) is being facsimile transmitted to the
United States Patent and Trademark Office Petitioner's Office at 571-273-8950 on the date shown below:

Laura K. Greer
Name of Person Signing Certificate


(Signature)

March 23, 2009
(Date)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant Name: Bombardier Recreational Products Inc.

Mark: SKI-DOO

Ser. No. 78/559953

Filing Date: February 3, 2005

Allowance Date: January 30, 2007

Our Ref. No. 1005.0134

Commissioner for Trademarks
PO Box 1451
Alexandria, Virginia 22313-1451

PETITION TO AMEND FILING BASIS AFTER PUBLICATION

Director:

Petitioner, Bombardier Recreational Products Inc., respectfully requests that the Commissioner for Trademarks allow Petitioner to add Section 44(e) as a basis for registration for all of the services set forth in the above-referenced application. Trademark Rule 2.146 provides authority for this request.

As grounds for this Petition, it is alleged that:

1. Petitioner submitted this application to the Office based on its bona fide intent to use the above-mentioned mark under Section 1(b) and, for some services, based on its home country registration under Section 44(e).
2. The Office published this application for opposition.
3. The Office issued a Notice of Allowance.
4. Petitioner now wishes to delete the Section 1(b) basis and rely solely on Section 44(e) as a basis for registration.

Ser. No. 78/559953

5. A copy of the home country registration upon which this application is to be based is submitted herewith.

6. The Office routinely accepts amendments to applications to substitute a new basis for registration after allowance. TMEP Section 806.03(j)(ii); *In re Monte Dei Maschi Di Siena*, 34 USPQ2d 1415 (Comm'r Pats. 1995).

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that all statements made of his own knowledge are true and all statements made on information and belief are believed to be true.

WHEREFORE, Petitioner requests that the Commissioner for Trademarks cancel the Notice of Allowance and allow Petitioner to add Section 44(e) as the sole basis for registration so that this application may be republished for opposition.

The requisite fee is submitted herewith.

Respectfully submitted,

Bombardier Recreational Products Inc.

By:


James R. Menker

Attorney of record, Virginia bar member

Applicant's Attorneys
Holley & Menker, P.A.
PO Box 331937
Atlantic Beach, Florida 32233
T: (904) 247-2620
F: (202) 280-1177
eastdocket@holleymenker.com



Office de la propriété
Intellectuelle
du Canada

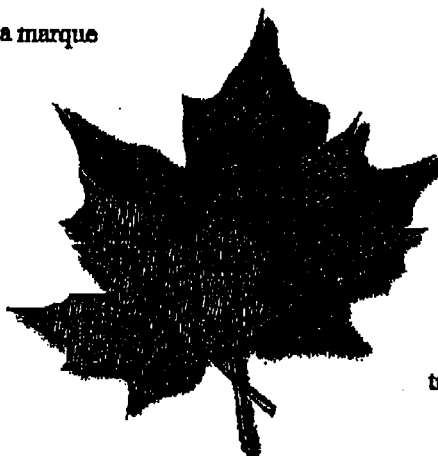
Un organisme
d'Industrie Canada

Canadian
Intellectual Property
Office

An Agency of
Industry Canada

Marques de commerce
Certificat de modification

La présente atteste que la marque
de commerce identifiée
dans l'extrait ci-joint,
tiré du registre
des marques de
commerce, a été modifiée.



Trade-marks
Certificate of Amendment

This is to certify that the
trade-mark, identified
in the attached
extract from the
register of
trade-marks, has been amended.

SKI-DOO

Numéro d'enregistrement
Registration Number

TMA176,452

Numéro de dossier
File Number

317248

Date d'enregistrement
Registration Date

24 fév/Feb 2009

Registraire des marques de commerce
Registrar of Trade-marks

(CIPD 108)12-04

Canada

OPIC  CIPO

APPL'N/DEM. NO 317 248 REGISTRATION/ENREGISTREMENT NO TMA176,452

FILING DATE/DATE DE PRODUCTION:
REGISTRATION DATE/DATE D'ENREGISTREMENT:
RENEWAL DATE/DATE DE RENOUVELLEMENT:

31 oct/Oct 1988
28 mai/May 1971
28 mai/May 2001

REGISTRANT/PROPRIÉTAIRE ORIGINAL:
BOMBARDIER LIMITED
Valcourt
QUÉBEC

CURRENT OWNER/PROPRIÉTAIRE COURANT:
Bombardier Recreational Products Inc.
726 St-Joseph Street
Valcourt
QUÉBEC
J0B 2L0

REP FOR SERVICE/REP POUR SIGNIFICATION:
BCF S.B.N.C.R.L./BCF LLP
1100, boul. René-Lévesque Ouest
25e Etage
Montréal
QUÉBEC H3B 5C9

TRADE-MARK/MARQUE DE COMMERCE:

SKI-DOO

WARES/MARCHANDISES:

- (1) Snowmobiles and parts therefor.
- (2) Antifreezes and fuel stabilizers for snowmobiles; chemical motor oil additives and chemical fuel additives for snowmobiles.
- (3) Degreasers for use on snowmobiles.
- (4) Industrial oils and greases; lubricants; fuels and illuminants; fuel stabilizers.
- (5) Differential oil.
- (6) First-aid kits; safety kits for vehicles, namely: ropes, whistles, aluminum blankets, flashlights and pins.
- (7) Metal objects, namely: die-cast models, key-chain trinkets and fobs; license plates; metal stools.
- (8) Vehicle jacks.
- (9) Pocket knives; shovels and snow-shovels.
- (10) Protective snowmobile jackets; protective snowmobile boots; protective snowmobile pants; pre-recorded digital versatile discs, pre-recorded compact discs and pre-recorded video cassettes all featuring snowmobiles and related parts and accessories; diagnostic software for snowmobiles; magnetically encoded cards, namely: credit cards; reflective arm bands; eye-glasses; eye-glass cases; sunglasses cases; protective knee pads; electronic and electromechanical keys and locks and key

24 fév/Feb 2009

APPL'N/DEM. NO 317 248

REGISTRATION/ENREGISTREMENT NO TMA176,452

- foos; mouse pads; avalanche probes; karabiner with multi-function electronic display; video game cartridges; ski goggles.
- (11) Tachometers; speedometers.
- (12) Protective snowmobile helmets; protective snowmobile goggles; protective snowmobile suits; sunglasses; protective kidney belts.
- (13) Batteries for vehicles.
- (14) Lamps; flashlights.
- (15) Fitted and semi-fitted snowmobile trailer covers; snowmobile accessories, namely: mud flaps, fender trim, a-arm protectors, shock absorber protectors; vehicle lifts; skid plates; headlight molding rear vent kits; windshields; cargo nets and tie-down cords; protectors attachable to vehicle handlebars to protect hands from the cold; protective coverings for handlebars; handlebar muffs; seat covers.
- (16) Fitted and semi-fitted snowmobile covers.
- (17) Rear and front bumpers; backrests; combination seat and gas tank; snow guards.
- (18) Fine and imitation jewelry, namely: pins; clocks; watches; watch cases.
- (19) Paper goods, namely: magazines, brochures, catalogs, manuals, technical publications (shop manuals, parts catalogues, owner's manuals); technical plans, charts, drawings, user manuals, posters, calendars, flags, maps and pennants, loose-leaf binders, bumper stickers, stickers, pens, pencils, pen and pencil sets, gift wrapping paper, greeting cards; tattoo transfers.
- (20) Decals, labels, banners.
- (21) Bags and cases, namely: tote bags, sports bags, traveling bags, duffel bags, luggage, suitcases, suit bags, trunks, carrying cases, hand bags, helmet bags, trunk bags, saddlebags, snowmobile tunnel bags, vehicle tank bags; back packs.
- (22) Plastic objects, namely: plastic key-chain trinkets.
- (23) Articles for cleaning purposes, glassware, porcelain and earthenware, namely: travel mugs, glasses.
- (24) Mugs.
- (25) Clothing, wearing apparel and accessories, namely: shirts, sweatshirts, t-shirts, pullovers, sweatpants, jeans, shorts, boxer shorts, baidudas, nightshirts, coats, wind resistant jackets, vests, dresses, skirts, blouses, underwear, belts, scarves, gloves, mittens; footwear, namely: boots, sandals; headgear, namely: visors; snow-sportswear, namely: highpants, pants, jackets, dickeys, balaclavas, masks, boots, racing suits, wrist bands.
- (26) Snow-sportswear, namely snow-pants, mitts, gloves; sweaters; footwear namely: snow boots; headgear, namely: hats, caps, tuques; footwear, namely: snow shoes, socks; thermal underwear; jerseys; snowmobile suits; jackets; pants.
- (27) Men's, ladies, boys and girls snowsuits, all-weather jackets and ski-jackets.
- (28) Zipper pulls.
- (29) Toys, namely: miniaturized snowmobiles; christmas ornaments; sleds; snow tubes; playing cards; foam toys; balls of all sizes and shapes; inflatable ride-on toys.
- (30) Radio controlled model snowmobiles.
- (31) Balloons.
- (32) Non-chemical motor oil additives and non-chemical fuel additives for snowmobiles; candles.
- (33) Metal objects, namely: key holders; tool-boxes; license plate frames; metallic signs; metal mechanical keys, locks and key fobs; collapsible vehicle garages (metal).

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REGISTRATION/ENREGISTREMENT NO TMA176,452

- (34) Tools and multi-purpose knives; hand tools and sets thereof; pocket multi-tool units.
- (35) Data processing equipment and computers; video game software; electronically encoded cards, namely: credit cards and telephone cards; neon signs; whistles; fire extinguishers; electronic greeting cards; hand-held GPS devices.
- (36) Snowmobile trailers; snowmobile accessories, namely: rock deflectors, splash guards; trailer hitches; removable vehicle tops; tire covers; tires; vehicle windshield sunscreens; vehicle sun shades.
- (37) Plastic materials for packaging; cardboard; photographs; paper goods, namely: lithographs; diaries, agendas, gift wrapping bags, books; non-magnetically encoded cards; coupons.
- (38) Bags and cases, namely: wallets, gym bags; leashes and collars; insulated bags.
- (39) Plastic objects, namely: non-metal tool boxes; plastic key-chain trinkets and fobs; plastic key holders; portable fuel containers; non-metal storage racks for ski and sports equipment; stools; mirrors.
- (40) Articles for cleaning purposes, glassware, porcelain and earthenware, namely: cups.
- (41) All-purpose straps; lanyards for holding eyeglasses; unfitted vehicle covers.
- (42) Clothing, wearing apparel and accessories, namely: raincoats; footwear, namely: shoes; headgear, namely: headbands, rain hats, snow-sportswear, aprons, bandanas; overalls; jump-suits.
- (43) Mats and matting, vehicle floor mats.
- (44) Gymnastic and sporting articles; toys, namely: 3-D puzzles; snowboards; tobaggans; three-skis; inflatable snow toys; snowmobile footstepper toys.

SERVICES:

- (1) Business management; business administration; advertising and cooperative advertising for others by means of airing television advertisements, radio advertisements, placing news paper advertisements, circulating brochures, posters, banners, and providing information via the Internet and selling of snowmobiles and snowmobile parts, snowmobile accessories, snowmobile clothing and snowmobile equipment; arranging and conducting trade shows and exhibitions in the field of snowmobiles; operating dealerships trading in snowmobiles, and parts, accessories, clothing and equipment therefor; providing trade information via a global computer network in the field of snowmobiles; on-line retail store services for snowmobiles and parts, accessories, clothing and equipment therefor; mail order catalog services featuring snowmobiles and parts, accessories, clothing and equipment therefor.
- (2) Sponsoring races of snowmobiles and sponsoring snowmobile racers and snowmobile racing teams; providing financial services, namely: issuing credit cards.
- (3) Repairing, servicing and restoring snowmobiles for others.
- (4) Distributing, renting and leasing snowmobiles for others.
- (5) Manufacturing and custom manufacturing snowmobiles for others.
- (6) Organizing and providing educational courses in respect of snowmobiles, snowmobile servicing and repairing and snowmobile restoration; organizing snowmobile races, competitions, events, clubs and contests.
- (7) Designing snowmobiles for others.

24 fév/Feb 2009

APPL'N/DEM. NO 317 248

REGISTRATION/ENREGISTREMENT NO TMA176,452

CLAIMS/REVENICATIONS:

Used in CANADA since at least as early as 1959 on wares (1); April 01, 1965 on wares (27); September 1967 on wares (17), (20), (31); September 1968 on wares (5), (13); September 1971 on wares (24); November 1980 on wares (12), (16), (26); January 15, 1993 on wares (30); 2004 on wares (2), (3), (4), (6), (7), (8), (9), (10), (11), (14), (15), (18), (19), (21), (22), (23), (25), (28), (29) and on services.

Declaration of Use filed February 02, 2009 on wares (32), (33), (34), (35), (36), (37), (38), (39), (40), (41), (42), (43), (44).

ASSOCIATED MARKS/MARQUES LIÉES:

TMA139,790

TMA219,799

TMA255,700

TMA409,464

TMA492,896

FOOTNOTES/NOTES:

CHANGE IN TITLE/CHANGEMENT DU TITRE:

TYPE OF CHANGE/GENRE DE CHANGEMENT: AMALGAMATION/FUSIONNEMENT

DATE REGISTERED/DATE DE L'ENREGISTREMENT: 05 mars/Mar 1982

DATE OF CHANGE/DATE DE CHANGEMENT: 26 juin/Jun 1981

COMMENTS/COMMENTAIRES: BOMBARDIER INC. Suite 1520 800 Dornchester

Blvd. West Montreal, Quebec H3B 1X9

SEE EVIDENCE ON FILE/VOIR PREUVE SUR LE DOSSIER

181350

OWNER ADDRESS CHANGE/CHANGEMENT D'ADRESSE DU PROPRIÉTAIRE:

DATE REGISTERED/DATE DE L'ENREGISTREMENT: 13 juin/Jun 2002

COMMENTS/COMMENTAIRES:

Voir Preuve au dossier/See evidence on File No. 1062762

OWNER ADDRESS CHANGE/CHANGEMENT D'ADRESSE DU PROPRIÉTAIRE:

DATE REGISTERED/DATE DE L'ENREGISTREMENT: 28 janv/Jan 2003

COMMENTS/COMMENTAIRES: Voir Preuve au dossier/See evidence on File No. 200243

CHANGE IN TITLE/CHANGEMENT DU TITRE:

TYPE OF CHANGE/GENRE DE CHANGEMENT: ASSIGNMENT/CESSION

DATE REGISTERED/DATE DE L'ENREGISTREMENT: 12 fév/Feb 2004

DATE OF CHANGE/DATE DE CHANGEMENT: 18 déc/Dec 2003

COMMENTS/COMMENTAIRES: FROM: BOMBARDIER INC.

TO: Bombardier Recreational Products Inc.

Voir Preuve au dossier/See evidence on File No. 283818

AMALGAMATION AND ADDRESS/FUSIONNEMENT ET ADRESSE

DATE REGISTERED/DATE DE L'ENREGISTREMENT: 12 fév/Feb 2004

DATE OF CHANGE/DATE DE CHANGEMENT: 18 déc/Dec 2003

COMMENTS/COMMENTAIRES: FROM: 4145321 Canada Inc.

TO: Bombardier Recreational Products Inc.

Voir Preuve au dossier/See evidence on File No. 283818

SECURITY AGREEMENT PLACED ON FILE/ACCORD DE SÉCURITÉ INSCRIT AU DOSSIER

DATE RECORDED/DATE CONSIGNÉE: 12 fév/Feb 2004

DATE OF CHANGE/DATE DE CHANGEMENT: 21 janv/Jan 2004

COMMENTS/COMMENTAIRES: Bank of Montreal

Voir Preuve au dossier/See evidence on File No. 283818

24 fév/Feb 2009

APPL'N/DEM. NO 317 248

REGISTRATION/ENREGISTREMENT NO TMA176,452

OWNER ADDRESS CHANGE/CHANGEMENT D'ADRESSE DU PROPRIÉTAIRE:
DATE REGISTERED/DATE DE L'ENREGISTREMENT: 04 janv/Jan 2006
COMMENTS/COMMENTAIRES: Voir Preuve au dossier/See evidence on File No. 243820

AMENDMENT TO REGISTRATION/MODIFICATION A L'ENREGISTREMENT:
TYPE OF AMENDMENT/GENRE DE MODIFICATION: ADDITIONAL WARES AND
SERVICES/MARCHANDISES ET SERVICES SUPPLEMENTAIRES
DATE REGISTERED/DATE DE L'ENREGISTREMENT: 24 fév/Feb 2009
FILING DATE/DATE DE PRODUCTION: 02 fév/Feb 2005
COMMENTS/COMMENTAIRES: Wares (2) to (44) and Services (1) to (7) added.

24 fév/Feb 2009

EXHIBIT 10

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 78/559953

APPLICANT: Bombardier Recreational Products Inc.

78559953

CORRESPONDENCE ADDRESS:

James R. Menker
Holley & Menker, P.A.
PO Box 331937
Atlantic Beach FL 32233

RETURN ADDRESS:

Commissioner for Trademarks
P. O. Box 1451
Alexandria, VA 22313-1451
ATTN : Petitions Office

MARK: SKI-DOO

MAILING DATE

March 30, 2009

CORRESPONDENT'S REFERENCE/DOCKET NO : 1005.0134

Please provide in your correspondence:

CORRESPONDENT'S EMAIL ADDRESS :

eastdocket@holleymenker.com

1. Filing date, serial number, mark and applicant's name.
2. Date of this Notice.
3. Attn: Petitions Office
4. Your telephone number and e-mail address.

PETITION TO DIRECTOR GRANTED

Serial Number 78/559953

The petition to the Director filed on March 23, 2009 for the above-identified trademark application is GRANTED pursuant to 37 C.F.R. §2.146(a)(3).

The application will be returned to the assigned examining attorney to consider the request to amend the basis from Section 1(b) to Section 44(e) of the Trademark Act. If the amendment is accepted the application will be republished. If the amendment is refused, applicant will be notified of the refusal.

Since you have requested to substitute the Section 44(e) basis, the notice of allowance will be cancelled and the Section 1(b) basis will be deleted before examination of the amendment. The Section 1(b) basis cannot be reinserted. See TMEP §806.03(j).

Sincerely,

/Jolie Washington/
Paralegal Specialist
Office Of Petitions
Office: (571) 272-9583
Fax: (571) 273-9583

To check the status of your application at any time, visit the Office's Trademark Applications and Registrations Retrieval (TARR) system at <http://tarr.uspto.gov/>

For general and other useful information about trademarks, you are encouraged to visit the Office's web site at <http://www.uspto.gov/main/trademarks.htm>